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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,495	03/08/2001	Takenori Hirose		2192
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SUITE 1800				
ARLINGTON, VA 22209-9889				
			EXAMINER	
			UMEZ ERONINI, LYNETTE T	
			ART UNIT	PAPER NUMBER
			1765	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/800,495

Applicant(s)

HIROSE ET AL.

Examiner

Lynette T. Umez-Eronini

Art Unit

1765

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION.** See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1, 2, 9-11, 18-20 and 24-28.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


NADINE G. NORTON
PRIMARY EXAMINER

Continuation of 2. NOTE: In (currently amended) Claim 1, "A method of detecting --lights having different wavelengths from one another-- . . . --an optically transparent thin-- film . . . --on which patterns are formed-- . . . --separately-- . . . detecting --interference lights of said respective light having the-- . . . --interference between lights reflected from a surface of said thin film and surface of said patterns formed on said wafer-- . . . --which are irradiated-- . . . --separately-- detected --interference-- . . . lights of different wavelengths;"

In (currently amended) Claim 2, "A method of detecting . . . --interference-- lights of different wavelengths;"

In (currently amended) Claim 9, "A method of manufacturing . . . --optically-- insulating film . . . --on which patterns are formed-- . . . --lights having different wavelengths from one another-- . . . --reference lights of said respective lights having the-- . . . --interference between lights reflected from a surface of said thin film and surfaces of said patterns formed on said wafer-- . . . --which are irradiated-- . . . --separately-- detected --interference-- lights . . . from said polishing processing machine";

In (current amended) Claim 10, "A method of manufacturing . . . --interference-- lights . . . of the evaluation result;"

In (currently amended) Claim 19, "A method of detecting . . . --interference-- lights of the different wavelengths;"

In (currently amended) Claim 24, "A method of manufacturing . . . --interference-- lights . . . --interference-- lights of the different wavelengths;" and

In (currently amended) Claim 26, "A method of manufacturing . . . --interference-- lights of different wavelengths" raise new issues that would require further consideration.